
PART Y-1
EMPLOYER CHEMICAL HAZARD COMMUNICATION

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WAC 296-307-550 Employer chemical hazard communication-Introduction.

Important:

Thousands of chemicals can be found in today's workplaces. These chemicals may have the capacity to cause health problems, from minor skin irritations to serious injuries or diseases like cancer.

The employer chemical hazard communication rule was developed to make sure employers and employees are informed about chemical hazards in the workplace.

This rule applies to:

- Employers engaged in businesses where chemicals are used, distributed, or produced for use or distribution.
- Contractors or subcontractors that work for employers engaged in businesses where chemicals are used, distributed, or produced for use or distribution.

Note:

- If you produce, import, distribute and/or repackage chemicals, or choose not to rely on labels or material safety data sheets provided by the manufacturer or importer, you must comply with Material safety data sheets and label preparation, WAC 296-307-560 through 296-307-56050.
- You may withhold trade secret information under certain circumstances, see Trade secrets, WAC 296-62-053, to find out what information may be withheld as a trade secret and what information must be released.

Exemptions:

- For the purposes of this employer hazard communication rule, if you are engaged in agricultural production of crops or livestock, employee doesn't mean:
 - Immediate family members of the officers of any corporation, partnership, sole proprietorship or other business entity or officers of any closely held corporation.
- Certain products, chemicals, or items are exempt from this rule. Below is a summarized list of these exemptions. See WAC 296-307-55055 at the end of this rule to get complete information about these exemptions:
 - Any hazardous waste or substance
 - Tobacco or tobacco products
 - Wood or wood products that aren't chemically treated and will not be processed, for example, by sawing and sanding
 - Food or alcoholic beverages
 - Some drugs, such as retail or prescription medications
 - Retail cosmetics
 - Ionizing and nonionizing radiation
 - Biological hazards
 - Any consumer product or hazardous substance when workplace exposure is the same as that of a consumer
 - ♦ Retail products used in offices in the same manner and frequency used by consumers can be termed consumer products. Consumer products include things such as: Correction fluid, glass cleaner, and dishwashing liquid.

WAC 296-307-550 (Cont.)

Example: If you use a household cleaner in your workplace in the same way that a consumer would use it when cleaning their house, the exposure should be the same as the consumer's. (In the same way means using the household cleaner in the same manner and frequency.) A janitor using a household cleaner, such as bleach, throughout the day, isn't considered to be consumer use.

- Manufactured items that remain intact are exempt for this rule.

The following are examples:

Item	Covered by this rule	Not covered by this rule
Brick	sawed or cut in half	used whole or intact
Pipe	Cut by a torch	bent with a tube bender
Nylon rope	burning the ends	tying a knot

- Manufactured items that are fluids or in the form of particles aren't exempt for this rule.

Your responsibility:

- To inform and train your employees about the hazards of chemicals they may be exposed to during normal working conditions, or in foreseeable emergencies by:
 - Making a list of the hazardous chemicals present in your workplace
 - Preparing a written Chemical Hazard Communication Program for your workplace
 - Informing your employees about this rule and your program
 - Providing training to your employees about working in the presence of hazardous chemicals
 - Getting and keeping the material safety data sheets (MSDSs) for the hazardous chemicals
 - Making sure that labels on containers of hazardous chemicals are in place and easy to read

You must:

Develop, implement, maintain, and make available a written Chemical Hazard Communication Program.

WAC 296-307-55005.

Identify and list all the hazardous chemicals present in your workplace.

WAC 296-307-55010.

Obtain and maintain material safety data sheets (MSDSs) for each hazardous chemical used.

WAC 296-307-55015.

Make sure that material safety data sheets (MSDSs) are readily accessible to your employees.

WAC 296-307-55020.

Label containers holding hazardous chemicals

WAC 296-307-55025.

Inform and train your employees about hazardous chemicals in your workplace.

WAC 296-307-55030.

Follow these rules for laboratories using hazardous chemicals.

WAC 296-307-55035.

Follow these rules for handling chemicals in factory sealed containers.

WAC 296-307-55040.

WAC 296-307 550 (Cont.)

The department must:

Translate certain chemical hazard communication documents upon request.

WAC 296-307-55045.

Attempt to obtain a material safety data sheet (MSDS) upon request.

WAC 296-307-55050.

Exemption: Items or chemicals exempt from the rule, and exemptions from labeling.

WAC 296-307-55055.

Definitions.

WAC 296-307-55060.

[Statutory Authority: RCW 49.17.010, .040, .050, and .060. 05-01-166 (Order 04-19), § 296-307-550, filed 12/21/04, effective 04/02/05. Statutory Authority: RCW 49.17.010, .040, .050, and .060. Statutory Authority: RCW 49.17.010, .040, .050. 00-17-033 (Order 01-14), § 296-307-550, filed 08/08/01, effective 09/01/01.]

WAC 296-307-55005 Develop, implement, maintain, and make available a written Chemical Hazard Communication Program.

You must:

- Develop, implement, maintain, and make available a written Chemical Hazard Communication Program specifically for your workplace. The Chemical Hazard Communication Program must, at a minimum, include:
 - A list of hazardous chemicals known to be present in your workplace
 - Procedures for making sure all containers are properly labeled
 - A description of how you are going to obtain and maintain your material safety data sheets (MSDSs)
 - A description of how you are going to train and inform your employees about hazardous chemicals in their workplace
 - A description of how you are going to inform your employees about:
 - ◆ Chemical hazards used during nonroutine tasks
 - ◆ The hazards associated with chemicals contained in unlabeled pipes in their work areas

You must:

- Make sure your written Chemical Hazard Communication Program includes the following communication methods you will apply if you produce, use, or store hazardous chemicals at your workplace(s) in such a way that the employees of other employer(s) may be exposed:
 - Provide the other employer(s) with a copy of the relevant material safety data sheets (MSDSs), or provide access to the MSDSs in a central location at the workplace
 - Inform the other employer(s) of any precautionary measures that need to be taken to protect employees during normal operating conditions and in foreseeable emergencies
 - Describe how to inform the other employer(s) of the labeling system used in the workplace

Note:

- Examples of employees of other employers who could be exposed to chemical hazards that you produce, use, or store in your workplace include employees of construction companies, cleaning services, or maintenance contractors visiting or working on-site.

WAC 296-307 55005 (Cont.)

- Your employees have the right to get chemical hazard communication information from other employers at workplaces where they are working; and employees of other employers have the right to get the information from you when they are working at your workplace.
- Include in your written Chemical Hazard Communication Program the methods that you will use to share information with other employers and their employees at your workplace(s) regarding:
 - Access to MSDSs
 - Precautionary measures such as personal protective equipment (PPE) and emergency - plans
 - Any labeling systems used at the workplace.

If you rely on another employer's chemical hazard communication program to share the information required and the program meets the requirements of this rule, document in your own written Chemical Hazard Communication Program.

You must:

- Make your Chemical Hazard Communication Program available to your employees.

Note: Where employees must travel between workplaces during a workshift, that is, if their work is carried out at more than one geographical location, the written Chemical Hazard Communication Program may be kept at the primary workplace facility.

[Statutory Authority: RCW 49.17.010, .040, .050. 00-17-033 (Order 01-14), § 296-307-55005 filed 08/08/01, effective 09/01/01.]

WAC 296-307-55010 Identify and list all the hazardous chemicals present in your workplace.**You must:**

- Identify all hazardous chemicals in your workplace. This includes any chemical that is known to be present in your workplace in such a way that employees may be exposed to it under normal conditions of use or in a foreseeable emergency.
- Create a list of these chemicals using the chemical or common name on the material safety data sheet (MSDS). This list:
 - Must be compiled for the workplace as a whole, or for individual work areas.
 - Is necessary to make sure that all hazardous chemicals are identified and that MSDS, and labeling rules are met.
 - Must be current.

Note: The following are some ways to determine whether a product is hazardous:

- Look for words on the label, such as CAUTION, WARNING, or DANGER.
- Look for words or hazard coding that indicate that the chemical is flammable, an irritant, corrosive, carcinogenic, etc. Hazard coding refers to words, numbers, or colors that tell you a chemical is dangerous.
- Check the product's MSDS for hazard information.

Examples of hazardous chemicals are: Acids, adhesives, caustics, fuels, paints, varnishes, shellacs and pesticides. Too many other classes of hazardous chemicals exist to list them all here. If you have any questions about a chemical you have at your workplace, contact your local L&I office.

[Statutory Authority: RCW 49.17.010, .040, .050. 00-17-033 (Order 01-14), § 296-307-55010, filed 08/08/01, effective 09/01/01.]

WAC 296-370-55015 Obtain and maintain material safety data sheets (MSDSs) for each hazardous chemical used.

You must:

- Obtain a MSDS for each hazardous chemical used as soon as possible if the MSDS isn't provided with the shipment of a hazardous chemical from the chemical manufacturer or importer.

Note:

- To obtain a MSDS, you may try calling the manufacturer or checking their website.
- If you have a commercial account with a retailer or wholesaler, you have the right to request and receive a MSDS about hazardous chemicals you purchase.
- If a chemical is purchased from a retailer with no commercial accounts, you have the right to request and receive the manufacturer's name and address so that you can contact them and request a MSDS for the chemical.
- Whoever prepares the MSDS is required to mark all blocks on the form, even if there is no relevant information for that section.
- If you have problems getting a MSDS within 30 calendar days after making a written request to the chemical manufacturer, importer, or distributor, you can get help from WISHA. You may contact your local regional office for assistance or make a written request for assistance to the:

Department of Labor and Industries
Right-to-Know Program
P.O. Box 44610
Olympia, Washington 98504-4610

- Include in your request:
 - A copy of the purchaser's written request to the chemical manufacturer, importer, or distributor
 - The name of the product suspected of containing a hazardous chemical
 - The identification number of the product, if available
 - A copy of the product label, if available
 - The name and address of the chemical manufacturer, importer, or distributor from whom the product was obtained

You must:

- Maintain a MSDS for each hazardous chemical:
 - Keep copies of the required MSDSs for each hazardous chemical present in your workplace. These may be kept in any form, including as a part of operating procedures.
 - Each MSDS must be in English. You may also keep copies in other languages.

Note:

- If you choose not to rely on MSDSs or labels provided by the manufacturer or importer, you must comply with the chemical hazard communication standard for manufacturers, importers, and distributors, WAC 296-307-560 through 296-307-56050.
- It may be more appropriate to address the hazards of a process rather than individual hazardous chemicals. MSDSs can be designed to cover groups of hazardous chemicals in a work area.

[Statutory Authority: RCW 49.17.010, .040, .050, and .060. 05-01-166 (Order 04-19), § 296-307-55015, filed 12/21/04, effective 04/02/05. Statutory Authority: RCW 49.17.010, .040, .050, and .060 Statutory Authority: RCW 49.17.010, .040, .050. 00-17-033 (Order 01-14), § 296-307-55015, filed 08/08/01, effective 09/01/01.]

WAC 296-307-55020 Make sure material safety data sheets are readily accessible to your employees.

You must:

- Make sure that MSDSs are readily accessible, easily obtained without delay during each work shift to employees when they are in their work area(s).
- Make sure that employees, who must travel between workplaces during a work shift, such as when their work is carried out at more than one geographical location, can immediately obtain the required MSDS information in an emergency. (MSDSs may be kept at a central location at the primary workplace facility and accessed by means such as voice communication or laptop computer.)

Note:

- Electronic access (such as computer or fax), microfiche, and other alternatives to maintaining paper copies of the MSDSs are permitted as long as they don't create barriers to immediate employee access in each workplace.
- Barriers to immediate access of electronic MSDSs may include:
 - Power outages
 - Equipment failure
 - System delays
 - Deficient user knowledge to operate equipment
 - Location of equipment outside the work area
 - Solutions to eliminating these and other possible barriers to access may require the availability of back-up systems, employee training, and providing access equipment in the work areas.

[Statutory Authority: RCW 49.17.010, .040, .050. 00-17-033 (Order 01-14), § 296-307-55020, filed 08/08/01, effective 09/01/01.]

WAC 296-307-55025 Label containers holding hazardous chemicals.

Exemptions: The following is a summary of items that are exempt from this rule. For complete information about each of these, see WAC 296-307-55055.

- Pesticides, when labeled as required by the Environmental Protection Agency (EPA)
- Food, food additives, color additives, drugs, cosmetics, or medical/veterinary devices or products
- Alcoholic beverages not intended for industrial use
- Consumer products labeled, as required, by the Consumer Product Safety Commission
- Agriculture or vegetable seeds treated and labeled as required by the Federal Seed Act

Note: You aren't required to label portable containers into which hazardous chemicals are transferred from labeled containers, if the *chemical is used and controlled by the employee who performed the transfer* within the same shift.

You must:

- Make sure that each container of hazardous chemicals in the workplace is labeled, tagged, or marked with the following information:
 - The identity of the hazardous chemical(s) using either the chemical or common name

WAC 296-307 55025 (Cont.)

Note: You aren't required to list each component in a hazardous mixture on the label. If a mixture is referred to on a material safety data sheet (MSDS) by a product name, then the product name should be used as the identifier.

- Appropriate hazard warnings which give general information about the relevant health and physical hazards of the chemicals. This includes health effects information, such as information about organs most likely to be affected by the chemicals.

Example of Label:

Name of Chemical
Physical Hazards
Health Hazards:
<ul style="list-style-type: none">• Health effects information• Affected Target Organs

- For individual stationary process containers, you may use alternate labeling methods such as:
 - ♦ Signs
 - ♦ Placards
 - ♦ Process sheets
 - ♦ Batch tickets
 - ♦ Operating procedures or
 - ♦ Other such written materials, as long as the alternate method identifies the containers and conveys the required label information.

Note:

- You may use words, pictures, symbols or any combination to communicate the hazards of the chemical. Be sure to train your employees so they can demonstrate a knowledge of the labeling system you use.



- Some alternative labeling systems don't communicate target organ information, so the employee will have to rely on training provided *by the employer to obtain this information*.

You must:

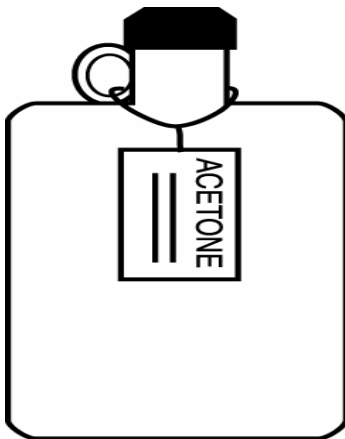
- Not remove or deface existing labels on incoming containers of hazardous chemicals (such as those marked with United States Department of Transportation (USDOT) markings, placards, and labels), unless the container is immediately labeled with the required information. You don't need to put on new labels if existing labels already provide the required information. If the package or container is sufficiently cleaned of residue and purged of vapors to remove any potential health or physical hazard, existing labels can be removed.

WAC 296-307-55025 (Cont.)

- Make sure that labels or other forms of warning are legible, in English, and prominently displayed on the container, or readily available in the work area throughout each work shift.

Note:

- Employers with non-English speaking employees may use other languages in the warning information in addition to the English language.



- Above is an example of a labeled container. You may use a laminated or coated label, affixed to the container with a wire, to avoid deterioration of labels due to a solvent, such as acetone.

You must:

- Make sure if the hazardous chemical is regulated by WISHA or OSHA in a substance-specific health rule, that the labels or other warnings are used according to those rules.

[Statutory Authority: RCW 49.17.010, .040, .050. 00-17-033 (Order 01-14), § 296-307-55025, filed 08/08/01, effective 09/01/01.]

WAC 296-307-55030 Inform and train your employees about hazardous chemicals in your workplace.

Note: The employer chemical hazard communication information and training requirements also apply to pesticides. Employers who have employees who are exposed to pesticides must be in compliance with this rule and the worker protection standards, WAC 296-307-12040.

You must:

- Provide employees with effective information on hazardous chemicals in their work area at the time of their initial job assignment. Whenever a new physical or health hazard related to chemical exposure is introduced into their employees' work areas, information must be provided.
 - Inform employees of:
 - ♦ The requirements of this rule.
 - ♦ Any operations in their work area where hazardous chemicals are present.
 - ♦ The location and availability of your written Chemical Hazard Communication Program, including the list(s) of hazardous chemicals and material safety data sheets (MSDSs) required by this rule.

WAC 296-307-55030 (Cont.)

- Provide employees with effective training about hazardous chemicals in their work area at the time of their initial job assignment. Whenever a new physical or health hazard related to chemical exposure is introduced, the employees must be trained.
- Make sure that employee training includes:
 - Methods and observations that may be used to detect the presence or release of a hazardous chemical in the work area. Examples of these methods and observations may include:
 - ♦ Monitoring conducted by you
 - ♦ Continuous monitoring devices
 - ♦ Visual appearance or odor of hazardous chemicals when being released
 - Physical and health hazards of the chemicals in the work area, including the likely physical symptoms or effects of overexposure
 - Steps employees can take to protect themselves from the chemical hazards in your workplace, including specific procedures implemented by you to protect employees from exposure to hazardous chemicals. Specific procedures may include:
 - ♦ Appropriate work practices
 - ♦ Engineering controls
 - ♦ Emergency procedures
 - ♦ Personal protective equipment to be used
 - Details of the Chemical Hazard Communication Program developed by you, including an explanation of the labeling system and the MSDS, and how employees can obtain and use the appropriate hazard information.
- Tailor information and training to the types of hazards to which employees will be exposed. The information and training may be designed to cover categories of hazards, such as flammability or cancer-causing potential, or it may address specific chemicals. Chemical-specific information must always be available through labels and MSDSs.
- Make reasonable efforts to post notices in your employees' native languages (as provided by the department) if those employees have trouble communicating in English.

Note:

- Interactive computer-based training or training videos can be used provided they are effective.
- Your MSDSs may not have WISHA permissible exposure limits (PELs) listed. In some cases, WISHA PELs are stricter than the OSHA PELs and other exposure limits listed on the MSDSs you receive. If this is the case, you must refer to the WISHA PEL table, WAC 296-307-62625, for the appropriate exposure limits to be covered during training.

[Statutory Authority: RCW 49.17.010, .040, .050, and .060. 05-01-166 (Order 04-19), § 296-307-55030, filed 12/21/04, effective 04/02/05. Statutory Authority: RCW 49.17.010, .040, .050, and .060. Statutory Authority: RCW 49.17.010, .040, .050, and .060. 03-10-068 (Order 03-05), § 296-307-55030, filed 05/06/03, effective 08/01/03. Statutory Authority: RCW 49.17.010, .040, .050. 00-17-033 (Order 01-14), § 296-307-55030, filed 08/08/01, effective 09/01/01.]

WAC 296-307-55035 Follow these rules for laboratories using hazardous chemicals.

Note: Laboratories are required to have a written Chemical hygiene plan under chapter 296-828 WAC, Hazardous chemicals in laboratories, if applicable. They aren't required to have a written Chemical Hazard Communication Program.

You may combine your Accident Prevention Program and Chemical Hazard Communication Program to assist you in developing a Chemical Hygiene Plan for your laboratory.

You must:

- (1) Make sure that labels on incoming containers of hazardous chemicals are in place and readable.
- (2) Maintain material safety data sheets (MSDSs) received with incoming shipments of hazardous chemicals and make them available to laboratory employees when they are in their work areas.
- (3) Provide laboratory employees with information and training as described in: Inform and train your employees about hazardous chemicals in your workplace, WAC 296-307-55030, except for the part about the location and availability of the written Chemical Hazard Communication Program.

Note: Laboratory employers that ship hazardous chemicals are considered to be either chemical manufacturers or distributors. When laboratory employers ship hazardous chemicals they must comply with the rule, Material safety data sheets and label preparation, WAC 296-307-560 through 296-307-56050.

[Statutory Authority: RCW 49.17.010, .040, .050, and .060. 06-02-060 (Order 05-19), § 296-307-55035, filed 01/03/06, effective 04/01/06. Statutory Authority: RCW 49.17.010, .040, .050, and .060. 05-01-166 (Order 04-19), § 296-307-55035, filed 12/21/04, effective 04/02/05. Statutory Authority: RCW 49.17.010, .040, .050, and .060. Statutory Authority: RCW 49.17.010, .040, .050, .00-17-033 (Order 01-14), § 296-307-55035, filed 08/08/01, effective 09/01/01.]

WAC 296-307-55040 Follow these rules for handling chemicals in factory-sealed containers.

You must:

This applies to situations where employees only handle chemicals in factory-sealed containers that aren't opened under normal use (such as those found in marine cargo handling, trucking, warehousing, or retail sales).

You must:

- (1) Make sure that labels on incoming containers of hazardous chemicals are in place and readable.
- (2) Keep or obtain material safety data sheets.
 - Keep any MSDSs that are received with incoming shipments of the sealed containers of hazardous chemicals
 - If a factory-sealed container of hazardous chemicals comes without a MSDS, obtain one as soon as possible, if an employee requests it
- (3) Make sure that the MSDSs are readily accessible during each work shift to employees when they are in their work area(s).
- (4) Inform and train your employees about hazardous chemicals in your workplace, to protect them in case of a hazardous chemical spill or leak from a factory-sealed container. You don't have to cover the location and availability of the written Chemical Hazard Communication Program.

[Statutory Authority: RCW 49.17.010, .040, .050. 00-17-033 (Order 01-14), § 296-307-55040, filed 08/08/01, effective 09/01/01.]

WAC 296-307-55045 Translate certain chemical hazard communication documents upon request.

The department must:

- Upon receipt of a written or verbal request, prepare and make available (within available resources) to employers or the public, a translation into Cambodian, Chinese, Korean, Spanish, or Vietnamese of any of the following:
 - An employer's written Chemical Hazard Communication Program
 - A material safety data sheet or
 - Written materials prepared by the department to inform employees of their rights described in this rule, regarding chemical hazard communication

Note: Written requests for translations should be directed to:

Department of Labor and Industries
Right-to-Know Program
P.O. Box 44610
Olympia, Washington 98504-4610

[Statutory Authority: RCW 49.17.010, .040, .050. 00-17-033 (Order 01-14), § 296-307-55045, filed 08/08/01, effective 09/01/01.]

WAC 296-307-55050 Attempt to obtain a material safety data sheet (MSDS) upon request.

The department must:

- Upon receipt of an employer's written request for a material safety data sheet, attempt to obtain the MSDS from the chemical manufacturer, importer, or distributor. When the department receives the MSDS, the department must forward a copy of it to the purchaser at no cost. Small business employers will be given priority for this service.

[Statutory Authority: RCW 49.17.010, .040, .050. 00-17-033 (Order 01-14), § 296-307-55050, filed 08/08/01, effective 09/01/01.]

WAC 296-307-55055 Items or chemicals exempt from the rule, and exemptions from labeling.

- Listed below are the full descriptions of the items or chemicals that are exempt, or not covered, by this rule:
 - Any consumer product or hazardous substance, defined in the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) and Federal Hazardous Substance Act (15 U.S.C. 1261 et seq.) respectively, where you can show that it is used in the workplace for the purpose intended by the chemical manufacturer or importer of the product, and the use results in a duration and frequency of exposure that isn't greater than the range of exposures that could reasonably be experienced by consumers when used for the purpose intended.
 - Any hazardous waste, defined by the Hazardous Waste Management Act chapter 70.105 RCW, when subject to regulations issued under that act by the department of ecology, that describes specific safety, labeling, personnel training, and other rules for the accumulation, handling, and management of hazardous waste.
 - Any hazardous waste, defined by the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6901 et seq.), when subject to regulations issued under that act by the Environmental Protection Agency.
 - Any hazardous substance, defined by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 U.S.C. 9601 et seq.), when the hazardous substance is the focus of remedial or removal action being conducted under CERCLA in accordance with Environmental Protection Agency regulations.
 - Tobacco or tobacco products.

WAC 296-307-55055 (Cont.)

- Wood or wood products, including lumber that will not be processed, where the chemical manufacturer or importer can establish that the only hazard they pose to the employees is the potential for flammability or combustibility. Wood or wood products that have been treated with hazardous chemicals covered by this rule, and wood that may be subsequently sawed or cut, generating dust, aren't exempt.
- Articles, meaning manufactured items other than a fluid or particle that:
 - ◆ Are formed to a specific shape or design during manufacture;
 - ◆ Have end use function(s) dependent in whole or in part upon their shape or design during end use; and
 - ◆ Under normal conditions of use, don't release more than very small quantities, for example minute or trace amounts of a hazardous chemical such as emissions from a marking pen or a newly varnished wood chair, and don't pose a physical hazard or health risk to employees.
- Food or alcoholic beverages that are sold, used, or prepared in a retail establishment such as a grocery store, restaurant, or drinking place, and foods intended for personal consumption by employees while in the workplace.
- Any drug, defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), when it is in solid, final form for direct administration to the patient (for example, tablets or pills); drugs that are packaged by the chemical manufacturer for sale to consumers in a retail establishment (for example over-the-counter drugs); and drugs intended for personal consumption by employees while in the workplace (for example, first-aid supplies). Aerosolized or cytotoxic drugs administered by a health care worker aren't excluded.
- Cosmetics packaged for sale to consumers in a retail establishment, and cosmetics intended for personal consumption by employees while in the *workplace*.
- Ionizing and nonionizing radiation.
- Biological hazards.
- This rule doesn't require labeling of the following chemicals:
 - Any pesticide, defined in the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), when subject to the labeling requirements of that act and labeling regulations issued under that act by the Environmental Protection Agency.
 - Any chemical substance or mixture, in the Toxic Substance Control Act (15 U.S.C. 2601 et seq.), when subject to the labeling requirements of that act, and labeling requirements issued under that act by the Environmental Protection Agency.
 - Any food, food additive, color additive, drug, cosmetic, or medical/veterinary device or product, including materials intended for use as ingredients in such products (for example, flavors and fragrances), as such terms are defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or the Virus-Serum Toxin Act of 1913 (21 U.S.C. 151 et seq.) and regulations issued under those acts, when they are subject to the labeling requirements under those acts by either the Food and Drug Administration or the Department of Agriculture.
 - Any distilled spirits (beverage alcohols), wine, or malt beverage intended for nonindustrial use, defined in the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.) and regulations issued under that act, when subject to the labeling requirements of that act and labeling regulations issued under that act by the Bureau of Alcohol, Tobacco, and Firearms.

WAC 296-307-55055 (Cont.)

- Any consumer product or hazardous substance, as defined in the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) and Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) respectively, when subject to a consumer product safety rule or labeling requirement of those acts, or regulations issued under those acts by the Consumer Product Safety Commission.
- Agricultural or vegetable seed treated with pesticides and labeled in accordance with the Federal Seed Act (7 U.S.C. 1551 et seq.), and the labeling requirements issued under that act by the Department of Agriculture.

[Statutory Authority: RCW 49.17.010, .040, .050. 00-17-033 (Order 01-14), § 296-307-55055, filed 08/08/01, effective 09/01/01.]

WAC 296-307-55060 Definitions.

Chemical

- An element or mixture of elements
OR
- A compound or mixture of compounds
OR
- A mixture of elements and compounds

Included are manufactured items (such as bricks, welding rods, and sheet metal) that aren't exempt as an article.

Chemical manufacturer

An employer with a workplace where one or more chemicals are produced for use or distribution.

Chemical name

- The scientific designation of a chemical developed by the:
 - International Union of Pure and Applied Chemistry (IUPAC)
OR
 - Chemical abstracts service (CAS) rules of nomenclature
OR
 - A name that clearly identifies the chemical for the purpose of conducting a hazard evaluation.

Combustible liquid

Liquids with a flashpoint of at least 100°F (37.8°C) and below 200°F (93.3°C). A mixture with at least 99% of its components having flashpoints of 200°F (93.3°C), or higher, isn't considered a combustible liquid.

Commercial account

An arrangement where a retailer is selling hazardous chemicals to an employer:

- Generally in large quantities over time
OR
- At costs below regular retail price.

Common name

Any designation or identification used to identify a chemical other than the chemical name, such as a:

- Code name or number
OR
- Trade or brand name
OR
- Generic name

WAC 296-307-55060 (Cont.)**Compressed gas**

A contained gas or mixture of gases with an absolute pressure greater than:

- 40 psi at 70°F (21.1°C)
OR
- 104 psi at 130°F (54.4°C) regardless of the pressure at 70°F (21.1°C)
OR
- A liquid with a vapor pressure greater than 40 psi at 100°F (37.8°C) as determined by ASTM D323-72.

Container

A vessel, other than a pipe or piping system, that holds a hazardous chemical. Examples include:

- Bags
- Barrels
- Bottles
- Boxes
- Cans
- Cylinders
- Drums
- Rail cars
- Reaction vessels
- Storage tanks.

Designated representative

- An individual or organization with written authorization from an employee.
OR
- A recognized or certified collective bargaining agent (not necessarily authorized by an employee).
OR
- A legal representative of a deceased or legally incapacitated employee.

Director

The director means the director of the department of labor and industries or their designee.

Distributor

A business, other than a chemical manufacturer or importer, that supplies hazardous chemicals to other distributors or to employers. See WAC 296-307-560 through 296-307-56050 for requirements dealing with manufacturers, distributors and importers - hazard communication.

Employee

The term employee and other terms of like meaning, unless the context of the provision containing such term indicates otherwise, means an employee of an employer who is employed in the business of his or her employer whether by way of manual labor or otherwise and every person in this state who is engaged in the employment of or who is working under an independent contract the essence of which is personal labor for an employer under this standard whether by way of manual labor or otherwise.

Employer

An employer is any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees or who contracts with one or more persons, the essence of which is the personal labor of such person or persons and includes the state, counties, cities, and all municipal corporations, public corporations, political subdivisions of the state, and charitable organizations: Provided, That any persons, partnership, or business entity not having employees, and who is covered by the Industrial Insurance Act must be considered both an employer and an employee.

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Explosive

A chemical that causes a sudden, almost instant release of pressure, gas, and heat when exposed to a sudden shock, pressure, or high temperature.

Exposure or exposed

An employee has been, or may have possibly been, subjected to a hazardous chemical, toxic substance or harmful physical agent while working. An employee could have been exposed to hazardous chemicals, toxic substances, or harmful physical agents in any of the following ways:

- Inhalation
- Ingestion
- Skin contact
- Absorption
- Related means.

The terms exposure and exposed only cover workplace exposure involving a toxic substance or harmful physical agent in the workplace different from typical nonoccupational situations in the way it is:

- Used
- Handled
- Stored
- Generated
- OR**
- Present.

Flammable

A chemical in one the following categories:

- Aerosols that, when tested using a method described in 16 CFR 1500.45, yield either a:
 - Flame projection of more than 18 inches at full valve opening
 - OR**
 - A flashback (a flame extending back to the valve) at any degree of valve opening
- Gases that, at the temperature and pressure of the surrounding area, form a:
 - Flammable mixture with air at a concentration of 13 percent, by volume, or less
 - OR**
 - Range of flammable mixtures with air wider than 12 percent, by volume, regardless of the lower limit
- Liquids with a flashpoint below 100°F (37.8°C). A mixture with at least 99 percent of its components having flashpoints of 100°F (37.8°C), or higher, isn't considered a flammable liquid.
- Solids, other than blasting agents or explosives, as defined in WAC 296-52-417 or 29 CFR 1910.109(a), that:
 - Is likely to cause fire through friction, moisture, absorption, spontaneous chemical change or retained heat from manufacturing or processing
 - OR**
 - That can be readily ignited (and when ignited burns so vigorously and persistently that it creates a serious hazard)
 - OR**
 - When tested by the method described in 16 CFR 1500.44, ignite and burn with a self-sustained flame at a rate greater than one-tenth of an inch per second along its major axis.

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Flashpoint

- The minimum temperature at which a liquid gives off an ignitable concentration of vapor, when tested by any of the following measurement methods:
 - Tagliabue closed tester. Use this for liquids with a viscosity less than 45 Saybolt Universal Seconds (SUS) at 100°F (37.8°C), that don't contain suspended solids and don't tend to form a surface film under test. See American National Standard Method of Test for Flashpoint by Tag Closed Tester, Z11.24.1979 (ASTM D 56-79)
 - Pensky-Martens closed tester for liquids with a viscosity equal to, or greater than, 45 SUS at 100°F (37.8°C), or for liquids that contain suspended solids, or have a tendency to form a surface film under test. (See American National Standard Method of Test for Flashpoint by Pensky-Martens Closed Tester, Z11.7-1979 (ASTM D 93-79)
 - Setaflash closed tester: See American National Standard Method of Test for Flash Point by Setaflash Closed Tester (ASTM D 3278-78).

Organic peroxides, which undergo auto accelerating thermal decomposition, are excluded from any of the flashpoint measurement methods specified above.

Foreseeable emergency

Any potential event that could result in an uncontrolled release of a hazardous chemical into the workplace. Examples of foreseeable emergencies include equipment failure, rupture of containers, or failure of control equipment.

Hazardous chemical

A chemical which is a physical or health hazard.

Hazard warning

Words, pictures, or symbols, (alone or in combination), that appear on labels (or other forms of warning such as placards or tags) that communicate specific physical and health hazard(s), (including target organ effects), associated with chemical(s) in a container.

Health hazard

A chemical that may cause health effects in short or long-term exposed employees based on statistically significant evidence from a single study conducted by using established scientific principles. Health hazards include, but are not limited to, any of the following:

- Carcinogens
- Toxic or highly toxic substances
- Reproductive toxins
- Irritants
- Corrosives
- Sensitizers
- Hepatotoxins (liver toxins)
- Nephrotoxins (kidney toxins)
- Neurotoxins (nervous system toxins)
- Substances that act on the hematopoietic system (blood or blood forming system)
- Substances that can damage the lungs, skin, eyes, or mucous membranes.

Identity

A chemical or common name listed on the material safety data sheet (MSDS) and label.

WAC 296-307-55060 (Cont.)

Importer

The first business within the customs territory of the USA that:

- Receives hazardous chemicals produced in other countries
- **AND**
- Supplies them to manufacturers, distributors or employers within the USA.

Material safety data sheet (MSDS)

Written, printed or electronic information (on paper, microfiche, or on-screen) that informs manufacturers, distributors, or employers about the chemical, its hazards and protective measures as required by this rule.

Mixture

A combination of 2 or more chemicals that retain their chemical identity after being combined.

Organic peroxide

An organic compound containing the bivalent-O-O-structure. It may be considered a structural derivative of hydrogen peroxide if one or both of the hydrogen atoms has been replaced by an organic radical.

Oxidizer

A chemical, other than a blasting agent or explosive as defined in WAC 296-52-417 or CFR 1910.109(a), that starts or promotes combustion in other materials, causing fire either of itself or through the release of oxygen or other gases.

Permissible exposure limits (PELs)

See WAC 296-307-628 for the definition of this term.

Physical hazard

A chemical that has scientifically valid evidence to show it is one of the following:

- A combustible liquid
- A compressed gas
- Explosive
- Flammable
- An organic peroxide
- An oxidizer
- Pyrophoric
- Unstable (reactive)
- Water reactive.

Produce

To do one or more of the following:

- Manufacture
- Process
- Formulate
- Blend
- Extract
- Generate
- Emit
- Repackage.

Purchaser

An employer who buys one or more hazardous chemicals to use in their workplace.

Pyrophoric

Chemicals that ignite spontaneously in the air at a temperature of 130°F (54.4°C) or below.

WAC 296-307-55060 (Cont.)

Responsible party

Someone who can provide more information about the hazardous chemical and appropriate emergency procedures.

Specific chemical identity

This term applies to chemical substances. It can mean the:

- Chemical name
- Chemical abstracts service (CAS) registry number
- Any other information that reveals the precise chemical designation of the substance.

Trade secret

Any confidential:

- Formula
- Pattern
- Process
- Device
- Information
- Collection of information.

The trade secret is used in an employer's business and gives an opportunity to gain an advantage over competitors who don't know or use it.

See **WAC 296-62-053** for requirements dealing with trade secrets.

Unstable (reactive)

A chemical in its pure state, or as produced or transported, that will vigorously polymerize, decompose, condense, or become self-reactive under conditions of shocks, pressure or temperature.

Use

To do one or more of the following:

- Package
- Handle
- React
- Emit
- Extract
- Generate as a by-product
- Transfer.

Water-reactive

A chemical that reacts with water to release a gas that is either flammable or presents a health hazard.

Work area

A room or defined space in a workplace where hazardous chemicals are produced or used, and where employees are present.

Workplace

The term workplace means an establishment, job site, or project, at one geographical location containing one or more work areas.

[Statutory Authority: RCW 49.17.010, .040, .050, and .060. 05-01-166 (Order 04-19), § 296-307-55060, filed 12/21/04, effective 04/02/05. Statutory Authority: RCW 49.17.010, .040, .050, and .060. Statutory Authority: RCW 49.17.010, .040, .050. 00-17-033 (Order 01-14), § 296-307-55060, filed 08/08/01, effective 09/01/01.]